

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
East Buchanan Telephone Cooperative
File No.: EB-SED-13-000089061
NAL/Acct. No.: 201132100011
FRN: 0002557627

ORDER

Adopted: May 9, 2014

Released: May 9, 2014

By the Acting Chief, Enforcement Bureau:

1. Based on our review of the record, including the information that East Buchanan Telephone Cooperative (East Buchanan) provided in response to the Notice of Apparent Liability for Forfeiture (NAL) in this proceeding, we find that no forfeiture penalty should be imposed on East Buchanan for potential noncompliance with the Commission’s hearing aid compatibility rules. The Commission adopted these rules to enhance the ability of consumers with hearing loss to access digital wireless telecommunications.

2. On November 29, 2010, the Enforcement Bureau (Bureau) issued the NAL to East Buchanan and proposed a \$45,000 forfeiture for its apparent failure to provide the requisite number of hearing aid compatible handsets in 2009 based on the hearing aid compatibility status report it filed on January 11, 2010. In the NAL, the Bureau provided East Buchanan an opportunity to show, in writing, why either no forfeiture or a lower forfeiture should be imposed. On December 29, 2010, East Buchanan filed a response to the NAL and explains that inadvertent errors in its hearing aid compatibility status report for the 2009 reporting period “gave the appearance” that the company had not complied with the hearing aid-compatible handset deployment requirements. East Buchanan avers that a corrected status report (submitted with its NAL Response) demonstrates that it complied with the hearing aid compatible handset requirements in 2009. Based on the corrected status report, we agree that East Buchanan apparently complied with such requirements in 2009. Thus, we find that no forfeiture should be imposed.

1 The investigation initiated under File No. EB-10-SE-110 was subsequently assigned File No. EB-SED-13-00008906. Any future correspondence with the Commission concerning this matter should refer to the new case number.

2 See East Buchanan Telephone Cooperative, Notice of Apparent Liability for Forfeiture, 25 FCC Rcd 16282 (Enf. Bur. 2010). See also 47 C.F.R. § 20.19(c)(3)(ii), (d)(3)(ii). The NAL includes a more complete recitation of the facts of this case and is incorporated herein by reference.

3 Response to Notice of Apparent Liability for Forfeiture (Dec. 29, 2010) (on file in EB-SED-13-00008906) (NAL Response).

4 See id. at 6–7.

5 We remind every filer that it must accurately report its handset offerings in its annual status reports. Inaccurate or incomplete reports hamper the Commission’s ability to monitor the deployment of hearing aid-compatible handsets (continued....)

3. Accordingly, **IT IS ORDERED** that, pursuant to Sections 4(i) and 504(b) of the Communications Act of 1934, as amended,⁶ and Sections 0.111, 0.311, and 1.80 of the Commission's rules,⁷ the proposed forfeiture in the *NAL* issued to East Buchanan Telephone Cooperative on November 29, 2010, **WILL NOT BE IMPOSED**.

4. **IT IS FURTHER ORDERED** that a copy of this Order shall be sent by first class mail and certified mail return receipt requested to East Buchanan Telephone Cooperative and its counsel of record.

FEDERAL COMMUNICATIONS COMMISSION

Travis LeBlanc
Acting Chief
Enforcement Bureau

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and impede compliance with the hearing aid compatibility rules. The Commission will consider taking separate enforcement action to address the filing of inaccurate or incomplete reports if this problem persists.

⁶ 47 U.S.C. §§ 154(i), 504(b).

⁷ 47 C.F.R. §§ 0.111, 0.311, 1.80.